

ROCHESTER CITY COUNCIL

REGULAR MEETING

NOVEMBER 9, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

**ECD**

Gary D. Boorum

**RFD**

\*John E. Mars

**RPD**

\*Barbara A. Brault

\*Jesse D. Green

*\*Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of October 13, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3993-09

Public Disclosure - Board Member 3994-09

Public Disclosure - CDBG Participation (2) 3995-09, 3996-09

Public Disclosure - HOME Participation 3997-09

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THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND  
REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory 2008-09 And 2009-10 Community Development Program Plans, Appropriating  
Funds And Authorizing Agreements For The FIS Commercial Business Assistance Program Int. No. 412  
No speakers.

Changing The Zoning Classification Of 1794, 1800-1808 And 1820 Lyell Avenue From C-2 Community  
Center To M-1 Industrial Int. No. 413 No speakers

Amending The Official Map By Abandonment Of A Portion Of Addison Street From Mansfield Street To  
Its South End Int. No. 414 No speakers

Approving The Amended Urban Renewal Plan For The Midtown Urban Renewal Project Int. No. 425  
No speakers

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Zoning Regulations For  
The Midtown Urban Renewal Project Int. No. 426 No speakers

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Conklin  
November 9, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 398 - Cancellation Of Taxes And Charges

Int. No. 399 - Extending The Term Of A Professional Services Agreement For Municipal Parking  
Services

Int. No. 400 - Appropriating Funds And Amending The 2009-10 Budget For The South Avenue  
Garage Insurance Settlement

Int. No. 401 - Resolution Approving Amendment To The 2009-10 Debt Limit For General Municipal  
Purposes

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Int. No. 402 - Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs

Int. No. 403 - Establishing Maximum Compensation For An Agreement For The 2010 Xerox Rochester International Jazz Festival

Int. No. 404 - Establishing Maximum Compensation For An Agreement For The 2010 Rochester MusicFest

Int. No. 405 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 406 - Establishing Maximum Compensation For An Agreement For The 2010 Rochester Flower City Challenge

Int. No. 434 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Office Relocation Management

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Lovely A. Warren  
Gladys Santiago  
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-362  
Re: Cancellation or Refund of Erroneous  
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$ 1,200.00.

One property was purchased in April 2008 from a former owner who had accumulated substantial code violations charges. The current owner was unaware of the charges. The current owner has made continuous progress in remediation of the code violations. They have applied for a C of O for the property. The code violation charges will be reinstated as a judgment against the former owner.

If this cancellation is approved, total cancellations thus far for 2009-10 will be \$300,238.61.

	<u>Accounts</u>	<u>Amounts</u>
City Council	37	\$271,294.35
Administrative	<u>76</u>	<u>28,944.26</u>
Total	113	\$300,238.61

These cancellations represent .131% of the taxes receivable as of July 1, 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

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Attachment No. AI-120

Ordinance No. 2009-362  
(Int. No. 398)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) One property was purchased in April 2008 from a former owner who had accumulated substantial code violations charges. The current owner was unaware of the charges. The current owner has made continuous progress in remediation of the code violations and has applied for a C of O for the property. The code violation charges will be reinstated as a judgment against the former owner.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.65-2-43	N/H	489 Lyell Av	2009	<u>\$1,200.00</u>
Grand Total			\$1,200.00	

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-363  
Re: Amendatory Agreement - Shamrock  
Training and Consulting, Parking  
Bureau Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Shamrock Training and Consulting (Principal, David Keefe), for continued municipal parking and operational consulting services. The amendment will extend the term of the agreement to June 30, 2010. No additional funds are required.

Shamrock Training and Consulting has been under contract for parking services since July 28, 2008. The contract was last amended by Ordinance 2009-222. Approximately \$6,000 remains available in the contract for services that may be requested prior to June 30, 2010 at the request of the Parking Director. All other terms of the agreement will remain in effect.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-363

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(Int. No. 399)

Extending The Term Of A Professional Services Agreement For  
Municipal Parking Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to extend the term of the amendatory professional services agreement between the City and Shamrock Training and Consulting for municipal parking consulting services through June 30, 2010.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-364 and  
Resolution No. 2009-17

Re: Budget Amendment - South Avenue  
Garage Insurance Proceeds

Transmitted herewith for your approval is legislation related to the \$2,500,000 received as settlement of the insurance claim for the 2006 collapse of the South Avenue Garage helix ramp. This legislation will:

1. Appropriate \$656,325 of the total for repayment to the Insurance Reserve Fund for advances made to the Rochester Convention Center Management Corporation (RCCMC) for expenses and lost revenue related to the helix collapse;
2. Amend the 2009-10 Budget by:
  - a. Appropriating \$1,200,000 of the Parking fund balance to increase Debt Service to repay a portion of the funds authorized and borrowed under Bond Ordinance 2006-210 to cover the emergency response to the collapse including the demolition of the remaining levels of the helix and other related expenses;
  - b. Appropriating \$251,900 of the Parking fund balance to Cash Capital in support of the Crossroads Garage Rehabilitation project; and
3. Amend the 2009-10 Debt Authorization Plan to increase the limit by \$1,200,000.

The disbursement of the insurance settlement is summarized below:

Direct expenses	\$ 102,205
Convention Center share	289,570
Insurance Reserve Fund	656,325
Parking Debt	1,200,000
Parking Cash Capital	<u>251,900</u>
Total	\$2,500,000

In April 2006, portions of the helical ramp at the south end of the Garage collapsed, completely closing the Garage through August 31, 2006. As a result, RCCMC, the garage operator, incurred expenses to temporarily re-open the Mortimer Street Garage; they also lost revenue as a result of the loss of approximately 850 of 1,850 parking spaces available upon the reopening of the Garage. The City advanced

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funding to RCCMC to provide interim operating funds as well as expenses paid on behalf of the City, on the condition that the City would be reimbursed from the proceeds of any insurance recovery.

In August 2006, RCCMC hired an independent adjustor to represent them in recovering insurance proceeds for the collapse of the garage ramp. The City was listed as an "other insured" on the insurance policy. The total amount of \$2,500,000 received was reduced by direct settlement expenses of \$102,205. The insurance settlement proceeds have been pro-rated between the City and RCCMC based on the proportional share of the total claim for damages and lost revenue, with RCCMC receiving \$289,570 of the proceeds.

The \$1.2 million partial repayment of the total debt authorized in Bond Ordinance 2006-210 will allow that amount to be added to the authorized debt limit for 2009-10.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-364  
(Int. No. 400)

Appropriating Funds And Amending The 2009-10 Budget For The  
South Avenue Garage Insurance Settlement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from funds received from the South Avenue Garage insurance settlement the sum of \$656,325, or so much thereof as may be necessary, to fund the Insurance Reserve Fund.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Debt Service by the sum of \$1,200,000, which amount is hereby appropriated from funds received from the South Avenue Garage insurance settlement to repay a portion of the bonds authorized pursuant to Ordinance No. 2006-210.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$251,900, which amount is hereby appropriated from funds received from the South Avenue Garage insurance settlement to fund the Crossroads Garage Rehabilitation Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2009-17  
(Int. No. 401)

Resolution Approving Amendment To The 2009-10 Debt Limit For  
General Municipal Purposes

WHEREAS, by Resolution No. 2009-10 the Council established the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2009-10 to \$17,831,000 for general municipal purposes; and

WHEREAS, the limit was based upon the amount of debt being repaid during 2009-10; and

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WHEREAS, an additional amount of \$1,200,000 in debt is being repaid as a result of the receipt of the South Avenue Garage insurance settlement and the Council wishes to increase the debt limit accordingly.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that the debt limit approved in Resolution No. 2009-10 is hereby increased by the sum of \$1,200,000.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-365

Re: Agreement - EBS-RMSCO, Inc.  
Employee Reimbursement Plans

Transmitted herewith for your approval is legislation establishing \$260,000 as maximum compensation for a three-year agreement with EBS-RMSCO, Inc. (an Excellus Company, with corporate offices in Rochester) for the administrations of the Flexible Spending Accounts, Parking/Transit Reimbursement Accounts, and newly established Health Reimbursement Accounts for City employees. The annual cost of \$86,650 for this agreement will be funded from the 2009-10 and subsequent Budgets for Undistributed Expense.

Bids for the administration of these three employee plans were solicited, resulting in four vendor submissions. In addition to EBS-RMSCO, bids were received from MVP Healthcare, Benefit Resource, Inc., and Health Economics Group.

EBS-RMSCO, formerly doing business as Excellus Blue Cross/Blue Shield and EBS Benefit Solutions, has provided both flexible spending and parking/transit reimbursement administration for the City since 1992. The recommendation to continue with EBS-RMSCO for these services as well as the health reimbursement accounts, is based on cost, experience, and efficiency of services.

The term of this agreement will be January 1, 2010 to December 31, 2012.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-365  
(Int. No. 402)

Establishing Maximum Compensation For A Professional Services  
Agreement For Benefits Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$86,650, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and EBS Benefit Solutions to administer the Flexible Spending and Parking/Transit Reimbursement Programs for a term of three years. Said amounts shall be funded from the 2009-10, 2010-11 and 2011-12 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-366  
Re: Agreement - Rochester International  
Jazz Festival, LLC, Xerox Rochester  
International Jazz Festival

Transmitted herewith for your approval is legislation establishing \$225,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC (RIJF) to designate the City of Rochester as the lead government sponsor of the 2010 Xerox Rochester International Jazz Festival. The cost will be funded from the 2009-10 Budget of the Bureau of Communications.

The 2010 festival will be held June 11-19 and will include over 225 shows at sixteen venues. The City's contribution to the festival will underwrite a minimum of 25 free events, in and near the East End Cultural District.

RIJF has quickly become one of the nation's most popular and most respected music festivals. Founded in 2002, with attendance of 15,000, the festival has grown each year, attracting an international crowd. Attendance in 2009 was more than 133,000, with the largest single day attendance in the festival's history occurring on Friday June 19, with 45,000 patrons.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-366  
(Int. No. 403)

Establishing Maximum Compensation For An Agreement For The  
2010 Xerox Rochester International Jazz Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$225,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester International Jazz Festival, LLC (RIJF) for the 2010 Xerox Rochester International Jazz Festival. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-367  
Re: Agreement - NSUC Entertainment,  
LLC, Rochester MusicFest

Transmitted herewith for your approval is legislation establishing \$225,000 as maximum compensation for an agreement with NSUC Entertainment, LLC (principal: Edward Strickland), Rochester, for booking national and regional artists for and production of the 2010 Rochester MusicFest. The cost of this



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agreement will be financed from the 2009-10 (\$175,000) and 2010-11 (\$50,000) Budgets of the Bureau of Communications.

In order to facilitate the growth of the Rochester MusicFest into a permanent, signature summer event, it will be run by a private promoter with support from the City. It is anticipated that the City's investment in this business venture will create, within three to five years, a sustainable, profitable economic development driver in downtown Rochester.

The 2010 MusicFest will run for five days - Saturday July 17, and Wednesday July 21 through Saturday July 24, with a combination of free and paid events. Tickets for the paid events will be priced in the range of \$20 to \$40.

<u>Date</u>	<u>Genre</u>	<u>Location</u>
July 17 Sat	Gospel Event (free)	Riverside Festival Site
July 21 Wed	Club Events (free)	Two downtown venues (to be announced)
July 22 Thu	Free and Paid Events	Five downtown venues (to be announced)
July 23 Fri	Motown Event (paid)	Riverside Festival Site (target attendance: 3,500)
July 24 Sat	Neo Soul Event (paid)	To be announced (target attendance: 6,000-8,000)

NSUC Entertainment, LLC will provide talent booking, site selection and management, logistical management, marketing, sponsorship solicitation, ticket sales, vendor management and administration. The City will provide some in-kind services such as fencing and police services as needed.

The 2009 Rochester MusicFest was a single-day event and attracted more than 6,000 attendees. As the signature summer event of the City's 175<sup>th</sup> Anniversary celebration, it was free and open to the entire community. NSUC Entertainment delivered a quality event with smooth production and execution.

NSUC Entertainment was selected in 2009 after review of solicited proposals based on the caliber of proposed entertainment and marketing plans. NSUC Entertainment principal, Ed Strickland, has successfully promoted entertainment in the Rochester area for more than 20 years.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-367  
(Int. No. 404)

Establishing Maximum Compensation For An Agreement For The  
2010 Rochester MusicFest

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$225,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and NSUC Entertainment, LLC for talent booking and production for the 2010 Rochester MusicFest. Of said amount, \$175,000 shall be funded from the 2009-10 Budget of the Bureau of Communications, and \$50,000 shall be funded from the 2010-11 Budget of the Bureau of Communications, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-368  
Re: Agreement - The Springut Group,  
Party in the Park Concert Series

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with The Springut Group (principal: Jeffrey Springut), for booking national and regional artists for the 2010 "Party in the Park" concert series. The cost of this agreement will be financed from the Rochester Events Network trust fund (\$76,000) and the 2010-11 Budget of the Bureau of Communications (\$24,000). Springut was selected through a request for proposal process in 2009.

The concerts will be held on ten consecutive Thursdays from June through mid-August, 2010 at the Riverside Festival Site (corner of Exchange Boulevard and Court Street). For each concert, The Springut Group will provide artists for all opening and headline acts. It will also provide a production manager and hospitality for the artists, internal event security, Rochester Fire Department services, and vendors. As in 2009, this agreement will contain a revenue sharing component, providing The Springut Group exclusive rights to food and beverage vending in exchange for set rates of food and beverage volume sold.

In spite of rainy weather on five of the concert nights in 2009, estimated attendance (48,000) was up 20% compared to 2008, and revenue to the Rochester Events Network Trust Fund (\$52,013) increased by 58%.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-368  
(Int. No. 405)

Establishing Maximum Compensation For A Professional Services  
Agreement For The "Party In The Park" Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Springut Group for talent booking services for the "Party in the Park" concert series. Of said amount, \$76,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$24,000 shall be funded from the 2010-11 Budget of the Bureau of Communications, contingent upon approval of said budget. The agreement shall also provide The Springut Group exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for the sharing of certain revenue from the food and beverage sales with the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-369  
Re: Agreement - YellowJacket Racing,  
LLC, Rochester Flower City Challenge

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Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with YellowJacket Racing, LLC (David Boutillier and Ellen Brenner, Principals), Rochester, for production of a half marathon running event and other sports events. The cost of this agreement will be financed from the 2009-10 Budget of the Bureau of Communications.

YellowJacket Racing is aiming to establish the Rochester Flower City Challenge as the signature Rochester racing event of the spring season, with the goal of achieving national status for the Flower City Half Marathon.

Events will be held on Saturday and Sunday, April 24 and 25, 2010 and include the Rochester River Challenge Triathlon/Duathlon, the Rochester Flower City Half Marathon, and a family 5K run.

The Duathlon is a 5K run, followed by a 20-mile bicycle race, and finishing with a second 5K run. The Canoe Triathlon is a 5K run, followed by a 20-mile bicycle race, and a canoe segment. These two events will be based at the Genesee Waterways Center in Genesee Valley Park and will use area waterways, river walks, and roads in the area. Two hundred participants are anticipated for this first year, with as many as 350 expected by year three. As many as 2500 spectators are anticipated.

The Half Marathon will be based at the Blue Cross Arena with the course showcasing the city's historic neighborhoods, river and canal systems. The event is expected to draw 500 participants in the first year and grow to 1200 in year three. This is the only running event in the area to be held in the spring and will be marketed regionally to draw entrants from a 300-mile radius area.

YellowJacket Racing will provide free training workshops, programs, and workouts along the course. The event will include free stage performances and is free to spectators. The total event budget is estimated at \$75,000-\$80,000; City funds will be used to defray costs of Rochester Police Department services and Department of Environmental Services equipment rental.

YellowJacket Racing, an event management company, produces 30 of their own events in and around Rochester and provides timing and finish line services to more than 70 events throughout Rochester and New York State.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-369  
(Int. No. 406)

Establishing Maximum Compensation For An Agreement For The  
2010 Rochester Flower City Challenge

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and YellowJacket Racing, LLC for the 2010 Rochester Flower City Challenge. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

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Ordinance No. 2009-370  
Re: Amendatory Agreement -Vargas  
Associates, Inc., Management of  
Office Relocations

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Vargas Associates, Inc., 40 Humboldt Street, Rochester, NY, for additional services for the management of the relocations of various City offices and functions. The original agreement, authorized by Council in May 2009, established \$45,000 as the maximum compensation. This agreement will increase compensation by \$30,000 for a total of \$75,000. This additional cost will be funded from the 2009-10 Undistributed allocation.

As the physical relocations associated with the consolidation of the Departments of Community Development and Economic Development and the Neighborhood Service Centers into the Department of Neighborhood and Business Development were undertaken, the City determined that ancillary and interim moves and the opportunity to conveniently schedule planned remodeling/refurbishing work necessitated additional services from Vargas Associates.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-370  
(Int. No. 434)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Office Relocation Management

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Vargas Associates, Inc. for management of the relocation of City offices and functions. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Warren  
November 9, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 407 - Authorizing The Sale Of Real Estate

Int. No. 408 - Authorizing Agreements For The Asset Control Area Program

Int. No. 409 - Authorizing Agreements And Amending The 2009-10 Budget For The Restore NY Communities Initiative Program

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Int. No. 410 - Local Law Extending The Residential-Commercial Urban Exemption Program

Int. No. 411 - Local Law Amending The Charter Of The City Of Rochester With Respect To Assistance For Affordable Housing

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 412 - Authorizing Amendatory 2008-09 And 2009-10 Community Development Program Plans, Appropriating Funds And Authorizing Agreements For The FIS Commercial Business Assistance Program

Int. No. 413 - Changing The Zoning Classification Of 1794, 1800-1808 And 1820 Lyell Avenue From C-2 Community Center To M-1 Industrial

Int. No. 414 - Amending The Official Map By Abandonment Of A Portion Of Addison Street From Mansfield Street To Its South End

Int. No. 415 - Authorizing The Sale Of Real Estate To Rochester Colonial Manufacturing

Respectfully submitted,

Lovely A. Warren

Carolee A. Conklin

Carla M. Palumbo

Gladys Santiago

William F. Pritchard

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

Councilmember Warren moved to amend Int. No. 407

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-371

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of eleven properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

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The first two properties were sold through a proposal sale. Both purchasers intend to renovate the homes and retain the structures as rental properties. The purchasers will be required to complete the rehabilitation of the structures within twelve months of conditional closing.

The next property is a parking lot sold through a proposal sale. The buyer intends to improve the existing parking lot for the use of area business, including their own.

The next three properties are buildable vacant lots being sold to the adjoining owners. The purchasers will combine the parcels with their adjoining properties.

The last five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

The first year projected tax revenue for these thirteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$6,123.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-121

Ordinance No. 2009-371  
(Int. No. 407, As Amended)

Authorizing The Sale Of Real Estate And Release Of Reversionary  
Rights To The FIGHT Village Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by request for proposal sale:

<u>Address</u>	<u>S.B.L.#</u>	<u>Legal Use</u>	<u>Price</u>	<u>Purchaser</u>
790 Flower City Park	090.48-2-13	1 Family	\$30,000	Greg & Beth Gissendanner
459 Remington St	091.71-1-5	2 Family	\$ 4,001	Richard Bryant

Section 2. The Council hereby approves the sale of the following parcel of vacant land by request for proposal sale:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
659 N. Winton Rd	107.82-1-18.1	45x163	\$30,000	*Landmark Properties, LLC

\*Principals: Jeffrey Kaplan, President; Christopher DiMascio, Vice President

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Section 3. The Council hereby approves the negotiated sale of the following parcels of buildable vacant land:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
146 Dewey Av	105.59-1-41	50x145	\$400	Raisa Elisa Barrero, Denieve LaSerna, Boris LaSerna
37 Portland Av	106.57-1-28	60x100	\$ 50	Ronald Avnet
203 Jefferson Ter	120.51-3-48.1	46x115	\$450	Evelyn Nix

Section 4. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
732 Ave D	091.80-2-55	34x131	4,454	Johnny & Keso Phimsipasom
W/H 27 Furlong St	Pt of 091.67-4-31	20x96	1,920	Shirley Jones
E/H 27 Furlong St	Pt of 091.67-4-31	20x96	1,920	Pedro Colon
N/H 204 Saratoga Av	Pt of 105.51-3-45	23x80	1,840	Joseph Winder
S/H 204 Saratoga Av	Pt of 105.51-3-45	23x80	1,840	Thomas O'Hara

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 6. The Mayor is hereby authorized to convey to Ward Street, Ltd. the City's reversionary right, title and interest in and to the FIGHT Village Housing Project (428 N. Clinton Avenue, SBL #106.55-1-21 and 508-560 N. Clinton Avenue, SBL #106.55-1-19), effective as of the date on which ownership of the FIGHT Village Housing Project parcels is transferred by Ward Street, Ltd. to FIGHT Redevelopment Housing Development Fund Company, Inc. As consideration for the conveyance, FIGHT Village Housing Development Fund Company, Inc. shall agree to pay to the City the sum of \$450,000, without interest, to be all due and payable no later than thirty (30) years from the date on which ownership of the FIGHT Village Housing Project parcels is transferred to FIGHT Redevelopment Housing Development Fund Company, Inc., or upon the expiration or termination of the property tax exemption and in-lieu-of-tax agreement for FIGHT Redevelopment Housing Development Fund Company, Inc. authorized by Ordinance No. 2009-343, whichever comes first. The instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-372  
Re: Asset Control Area Program

November 9, 2009

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of Housing and Urban Development (HUD) for the continuation of the Asset Control Area (ACA) program through December 31, 2011, and approving the updated Business Plan, which is on file with the City Clerk.

The ACA program allows local government and not-for-profit developers to enter into agreements with HUD to purchase the inventory of HUD-owned residential properties at a significant discount in designated areas. The discount allows the City to acquire properties at lower prices and reduce the amount of subsidy required for rehabilitation of each property, thus maximizing the number of vacant homes that can be addressed. The City's ACA Program is a component of the Home Rochester program. A program description is attached.

As a condition of the HUD/ACA agreement, the City must purchase all single-family properties in the designated census tract areas. Once acquired, each property must be fully rehabilitated and sold to owner-occupant, first-time homebuyers. Buyers of Home Rochester properties are required to have incomes at or below 115% of Area Median Income and must agree to live in the property for a minimum of 10 years.

Since the program began in 2004, 386 properties have entered the ACA system. Currently, 323 properties have been sold; the remaining 63 properties are in various stages of development. The City's ACA program, has received excellent program compliance reviews conducted by independent auditors.

It is anticipated that approximately 75-150 properties will be acquired during each year of the agreement. The most recent agreement was approved by City Council in December 2007.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-122

Ordinance No. 2009-372  
(Int. No. 408)

#### Authorizing Agreements For The Asset Control Area Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development (HUD) for continued City participation in the Asset Control Area (ACA) Program through December 31, 2011.

Section 2. The Council hereby approves the updated ACA Business Plan for the acquisition of residential real estate from HUD and further approves the resale of said real estate to the Rochester Housing Development Fund Corporation or eligible purchasers through the ACA Program without further Council approval.

Section 3. The Council hereby further approves the cancellation of outstanding City taxes and other charges against said parcels, upon their acquisition from HUD and extending through the date of their resale by the City.

Section 4. The Mayor is hereby further authorized to enter into the extension of agreements with the Rochester Housing Development Fund Corporation (RHDFC) and the Greater Rochester Housing Partnership, Inc. to permit the continued acquisition and development of ACA properties.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.



November 9, 2009

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-373  
Re: Restore NY Communities Initiative -  
Round 3

Transmitted herewith for your approval is legislation appropriating the funds of two grants from the Empire State Development Corporation (ESDC) through its Restore NY Communities Initiative Program for the Center City Mixed Use/Commercial Initiative (\$6 million) and the Development Site Clearance Project (\$3.5 million). In addition, the legislation will:

1. Establish maximum compensation for agreements for five rehabilitation projects, as summarized below. The cost of these agreements will be funded from the Center City Mixed Use/Commercial Initiative grant.

<u>Developer/Principal</u>	<u>Project</u>	<u>Amount</u>
61 Commercial Realty LLC Lewis Norry, Rachel Rosen	Trolley Barn 61 Commercial Street	\$2,445,000
234-250 Andrews St. LLC Pawel Efraimov	Kirstein Building 234-250 Andrews Street	1,000,000
Riverview Lofts LLC/P. Dutton	Capron Street Lofts 228 South Avenue	1,150,000
QP, LLC/J. Nolan	250 East Avenue	\$335,000
Philippone Associates/J. Philippone	44 Exchange Blvd.	<u>1,070,000</u>
Total		\$6,000,000

2. Establish maximum compensation for agreements for two development projects, summarized below. These agreements will be funded from the Development Site Clearance Project grant.

<u>Developer/Principal</u>	<u>Project</u>	<u>Amount</u>
Conifer Realty LLC Richard Crossed	Conifer on Fernwood 100-142 Fernwood Avenue	\$ 500,000
Tracy Street Realty LLC/L. Glazer	230-250 Alexander Street	<u>2,000,000</u>
Total		\$2,500,000

3. Amend the 2009-10 Cash Capital Budget of the Department of Neighborhood and Business Development by \$1,000,000 to reflect the receipt and use of the balance of the Development Site Clearance Project grant to partially finance the City Demolition Program for 2009-10; and
4. Establish \$1,300,000 as maximum compensation for an agreement with Philippone Associates, or its subsidiary, for the renovation of 44 Exchange Blvd. The cost of this agreement will be funded from Cash Capital as follows:

November 9, 2009

2000-01	\$30,998	2005-06	\$100,000
2001-02	\$124,324	2007-08	\$129,439
2003-04	\$240,239	2009-10	\$675,000

These Restore NY grants provide funding for the demolition, deconstruction, rehabilitation, or reconstruction of vacant, abandoned, surplus, or condemned residential and/or commercial buildings. The application for the grants and agreements with the ESDC were previously authorized by City Council in April 2009.

Center City Mixed Use/Commercial Initiative As part of the revitalization of the Center City, Restore NY funds totaling \$6 million will be used to create approximately 30 new market-rate rental housing units, 50 new condominium housing units, and the renovation of 69,803 sq. ft of commercial space in five existing downtown buildings. A detailed summary of these projects is attached.

The City's application requested \$7,802,460 for these developments. In order to advance all five projects to construction, the City will provide a portion of the shortfall; the remaining balance will be absorbed by the developers. For the 44 Exchange Blvd. project, the City will additionally provide \$1.3 million, with the requirement that no fewer than 20% of the units will be affordable and sold to households earning incomes less than 120% Median Family Income.

Development Site Clearance Project \$3.5 million in Restore NY funds will be used for demolitions at two privately-owned sites to create developable sites. One is an 8.14-acre site for new housing; the second is a 6.4-acre site for a \$75 million mixed-use development. The \$1 million of Restore NY funds being added to 2009-10 Cash Capital will be used for the demolition of up to 75 City-owned residential, mixed-use, and commercial structures. The demolitions will be publicly bid. A detailed summary of these projects is attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-123

Ordinance No. 2009-373  
(Int. No. 409)

Authorizing Agreements And Amending The 2009-10 Budget For  
The Restore NY Communities Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with 61 Commercial Realty LLC, or a subsidiary, for the rehabilitation of the Trolley Barn at 61 Commercial Street. The agreement shall obligate the City to pay an amount not to exceed \$2,445,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with 234-250 Andrews St. LLC, or a subsidiary, for the rehabilitation of the Kirstein Building at 234-250 Andrews Street. The agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 3. The Mayor is hereby authorized to enter into an agreement with Riverview Lofts LLC, or a subsidiary, for the rehabilitation of the Capron Street Lofts at 228 South Avenue. The agreement shall obligate the City to pay an amount not to exceed \$1,150,000, and said amount, or so much thereof as

November 9, 2009

may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 4. The Mayor is hereby authorized to enter into an agreement with QP, LLC, or a subsidiary, for the rehabilitation of 250 East Avenue. The agreement shall obligate the City to pay an amount not to exceed \$335,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 5. The Mayor is hereby authorized to enter into an agreement with Philipponne Associates, or a subsidiary, for the rehabilitation of 44 Exchange Boulevard. The agreement shall obligate the City to pay an amount not to exceed \$1,070,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 6. The Mayor is hereby authorized to enter into an agreement with Philipponne Associates, or a subsidiary, for the creation of affordable housing units at 44 Exchange Boulevard. The agreement shall obligate the City to pay an amount not to exceed \$1,300,000, and of said amount, or so much thereof as may be necessary, \$30,998 shall be funded from the 2000-01 Cash Capital allocation, \$124,324 shall be funded from the 2001-02 Cash Capital allocation, \$240,239 shall be funded from the 2003-04 Cash Capital allocation, \$100,000 shall be funded from the 2005-06 Cash Capital allocation, \$129,439 shall be funded from the 2007-08 Cash Capital allocation and \$675,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 7. The Mayor is hereby authorized to enter into an agreement with Conifer Realty LLC, or a subsidiary, for site clearance for the Conifer on Fernwood Project at 100-142 Fernwood Avenue. The agreement shall obligate the City to pay an amount not to exceed \$500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 8. The Mayor is hereby authorized to enter into an agreement with Tracy Street Realty LLC, or a subsidiary, for site clearance for 230-250 Alexander Street. The agreement shall obligate the City to pay an amount not to exceed \$2,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 9. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 10. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$1,000,000, which amount is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program to fund the City Demolition Program.

Section 11. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 7  
Re: Reauthorization of the Residential-  
Commercial Urban Exemption Program

November 9, 2009

Transmitted herewith for your approval is legislation reauthorizing the Residential-Commercial Urban Exemption Program (CUE). CUE was authorized in 2004 by Local Law No. 3, under New York State Real Property Tax Law. The program allows cities with populations of 50,000 to 1,000,000 to provide tax exemptions for certain classes of mixed-use properties. CUE was re-authorized in 2006 through Local Law No. 5 in June 2006.

The objective of the program is to facilitate the conversion of underutilized office, retail, manufacturing, and warehouse buildings to promote downtown residential uses. Under CUE, a non-residential property, upon conversion to mixed-use (residential-commercial), can be partially exempted from taxation and special ad valorem levies for a period of twelve years. The exemption is applied to the increase in assessed value attributable to the conversion to mixed-use.

In years 1-8, the exemption applies to 100% of the increase in assessment attributable to the conversion to mixed-use; in the following years, the exemption is reduced by 20% each year, with full taxation applying in year 13 and beyond.

CUE is restricted to mixed-use conversion projects located in the Center City District. To qualify for the exemption, property owners must invest at least \$250,000 in converting the property, and provide a minimum of 25% of the total developed space for residential use.

Since its inception, 10 property owners have qualified for the CUE Program. There are currently three developers who have filed applications; and five other properties are potential participants. A list of these properties is attached. The 10 projects currently enrolled have resulted in an investment of more than \$18 million and the creation of an additional 157 market-rate housing units in the Center City. The value of these properties has increased by more than \$8.5 million.

The Rochester Downtown Development Corporation reports that vacant office space continues to experience a substantial vacancy rate of 25%, virtually the same as 2006. That figure includes the three properties for which CUE applications have been filed and await approval. These projects represent a combined investment estimated at \$10.2 million. Five additional properties would be considered for development should CUE be extended.

The current authorization for CUE expires in June 2010. Authorization of an extension now will allow the City's program to run concurrently with the County's program, which expires December 31, 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-124

Local Law No. 7  
(Int. No. 410)

Local Law Extending The Residential-Commercial Urban  
Exemption Program

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Section 6-71.7 of the Charter of the City of Rochester, Residential-Commercial Urban Exemption Program, shall remain in effect for the 2010, 2011 and 2012 assessment rolls. Any property that is granted an exemption on one of those rolls shall remain eligible for the additional years of exemption on that property, provided the property continues to meet the requirements of Section 485-a.

Section 2. This local law shall take effect immediately.

Passed unanimously.

November 9, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 8

Re: Amending the City Charter -  
Affordable Housing

Transmitted herewith for your approval is legislation amending Section 10-11 of the Charter of the City of Rochester to accommodate changes in policy related to affordable housing. Specifically this amendment will provide for:

1. Inclusion of the new Housing Policy as authorized by Ordinance No. 2008-91 in March 2008;
2. The provision of grants and loans for the development of affordable for-sale and rental housing; and
3. Inclusion of condominiums within the definition of housing.

Section 10-11 will be modified to clarify that providing grants and below market-rate loans for the development of affordable rental housing is included as a method of "Promoting and facilitating decent rental housing for those who do not desire to or cannot afford to purchase a home" [Section 10-11(B)(5)]. It will also include language to clarify that the grants and loans for the development of for-sale affordable housing can be made to the developer of such housing - not just the person or family of low or moderate income as currently stated.

Section 10-11 will further be amended to include condominiums as a class of housing. This is consistent with the *City Housing Policy*, which states that the City shall promote home ownership by "cultivating new homeowners through marketing, pre-and post-purchase counseling and training programs, encouraging the development of quality financial products, and developing housing types that create an inventory of housing options to address market demand." It is also consistent with the *City-Wide Rochester Housing Market Study Recommendations* that call for the renewal of Rochester's housing stock with new residential products that address market demand. The Study's market analysis estimated that, based on a capture rate of 5 to 10 percent, the City could support between 119-238 new, for sale multi-family housing units per year (including lofts/apartments, and condominium/co-op ownership).

Respectfully submitted,  
Robert J. Duffy  
Mayor

Local Law No. 8  
(Int. No. 411)

Local Law Amending The Charter Of The City Of Rochester With  
Respect To Assistance For Affordable Housing

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by amending the final sentence of Subsection A of Section 10-11, Affordable Housing, to read in its entirety as follows:

The Council, therefore, hereby declares the development of such affordable housing to be a municipal and public purpose which shall be undertaken within the policy established by Resolution No. 93-19, as such policy has been subsequently updated by Ordinance No. 2008-91.

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Section 2. Section 10-11 of the City Charter is hereby further amended by adding thereto a new Subsection B(6) to read in its entirety as follows:

- (6) Making grants and below market rate loans to support the development of housing to be sold or rented to a person or family of low or moderate income for use as such person's or family's principal residence.

Section 3. Section 10-11 of the City Charter is hereby further amended by amending the definition of HOUSE or HOME found in Subsection D to read in its entirety as follows:

HOUSE, HOUSING or HOME - Any building containing one or more dwelling units, including a condominium.

Section 4. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-374

Re: Focused Investment Strategy -  
Commercial Business Assistance  
Program

Transmitted herewith for your approval is legislation authorizing the Focused Investment Strategy Commercial Business Assistance Program and amending Consolidated Community Development Plans to provide funding for the program. Specifically, this legislation will:

1. Amend the 2008-09 and 2009-10 Consolidated Community Development Plans to modify the description for the Neighborhood and Asset Based Planning Fund to include assistance to commercial businesses located in the Focused Investment Strategy (FIS) areas;
2. Appropriate a total of \$300,000 Community Development Block Grant funds for the Focused Investment Strategy Commercial Business Assistance Program, as follows:
  - a. \$166,650 from the 2008-09 Improving the Housing Stock and General Property Conditions allocation, Neighborhood Asset Based Planning Fund; and
  - b. \$133,350 from the 2009-10 Improving the Housing Stock and General Property Conditions allocation, Neighborhood Asset Based Planning Fund; and
3. Authorize agreements for the use of these funds.

The funds will be used to assist for-profit businesses located within each of the FIS areas and will be administered by the Bureau of Business and Housing Development, Division of Small Market Development. The funds will supplement existing commercial business assistance programs.

The 2008-09 and 2009-10 Consolidated Community Development Plans amendments will allow for the FIS Commercial Business Assistance Program funds to be available for permanent interior or exterior improvements to property, and for the purchase of furniture, fixtures and equipment. The maximum grant available through this program will be \$40,000. For building improvement projects, the grantee match will be the cost of an architect (typically 10-15% of the cost of improvements). For projects involving purchase of furniture, fixtures or equipment, the grantee will be required to provide a dollar-for-dollar match.

November 9, 2009

Applicants can initiate the project with the small business development representative for their quadrant. City staff will work with the business owners to develop the application and submit it for review. Program guidelines are attached.

A public hearing on the Consolidated Community Development Plan amendments is required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-125

Ordinance No. 2009-374  
(Int. No. 412)

Authorizing Amendatory 2008-09 And 2009-10 Community  
Development Program Plans, Appropriating Funds And Authorizing  
Agreements For The FIS Commercial Business Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 2008-09 and 2009-10 Community Development Program Plans to modify the description for the Neighborhood and Asset Based Planning Fund to include assistance to commercial businesses located in the Focused Investment Strategy (FIS) areas. The amendments will allow for the FIS Commercial Business Assistance program funds to be available for permanent interior or exterior improvements to property, and for the purchase of furniture, fixtures and equipment.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$166,650, and from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$133,350, or so much thereof as may be necessary, to fund the FIS Commercial Business Assistance Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the FIS Commercial Business Assistance Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen

Ordinance No. 2009-375, Ordinance No. 2009-376  
And Ordinance No. 2009-377  
Re: Land Use Changes and Sale of Real  
Estate - Rochester Colonial  
Manufacturing Corporation

Transmitted herewith for your approval is legislation relating to an expansion project being undertaken by Rochester Colonial Manufacturing Corporation on Lyell Avenue. This legislation will amend the Zoning Map and the Official Map, and authorize the sale of lands owned by the City of Rochester as follows:

November 9, 2009

1. Rezone the properties at 1794, 1800-1808 and 1820 Lyell Avenue from C-2 Community Center District to M-1 Industrial District;
2. Abandon a 5,600 square foot portion of Addison Street from Mansfield Street south to the dead end; and
3. Authorize the sale of three vacant parcels at 75, 81 and 87 Addison Street and the abandoned portion of Addison Street to Rochester Colonial Manufacturing, for a total of \$11,700.

Rochester Colonial Manufacturing was founded in Rochester in 1947 and has been owned and operated by the Gionta Family since 1960. The Company has been located at 1794 Lyell Avenue since 1967 and currently has 104 employees. The firm manufactures and distributes custom wood windows and doors for residential and commercial applications.

Rochester Colonial owns eight contiguous properties at 1794, 1800-1808 and 1820 Lyell Avenue and 60, 64, 65, 67 and 70 Addison Street. The project proposal includes the purchase of the City-owned properties on Addison Street and the abandonment of a portion of the Addison Street right-of-way. The Lyell Avenue properties are located in the C-2 Community Center district; the properties on Addison Street and the right-of-way are located in the M-1 Industrial district.

The land assembly, approximately 7.34 acres, is necessary to facilitate construction of approximately 47,000 square feet of building additions to expand the manufacturing, storage, loading dock, and distribution areas of the existing 91,700 square foot facility, and to rearrange and create parking facilities to support the use. Also, a fence and gate will be installed across the north end of the abandoned portion of Addison Street.

Manufacturing and distribution facilities are not permitted in the C-2 district. Rochester Colonial is a nonconforming use, and as such would require Area Variance approval from the Zoning Board of Appeals for expansion of a nonconforming use and waivers for height, setback, and floor area; an unnecessary constraint for expansion of a thriving manufacturing use. If rezoned to M-1, the existing use and the expansion project will be permitted as of right, subject to Site Plan Review approval. Upon project completion, the 11 properties and the abandoned right-of-way will be combined into a single property.

The rezoning, street abandonment and sale of City land is proposed in response to the changing market conditions, and will allow the existing industrial use to grow, allowing the business to remain in the city. Although rezoning properties from residential and commercial designations to manufacturing may create some apprehension, it is important to understand that the City's M-1 District is carefully regulated. Permitted and specially permitted uses in the proposed M-1 district are subject to distance separation, landscaping, design standards, and visual buffer requirements, which would mitigate impacts on adjacent residential and commercial districts.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on the proposed rezoning and street abandonment on October 19, 2009. There were no speakers; by a vote of 7-0, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment and the Official Map Amendment.

Respectfully submitted,  
Robert J. Duffy  
Mayor



November 9, 2009

Attachment No. AI-126

Ordinance No. 2009-375  
(Int. No. 413)

Changing The Zoning Classification Of 1794, 1800-1808 And 1820  
Lyell Avenue From C-2 Community Center To M-1 Industrial

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1794, 1800-1808 and 1820 Lyell Avenue, from C-2 Community Center to M-1 Industrial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 92, 20,000 Acre Tract, and more particularly bounded and described as follows: Beginning at the centerline intersection of Mansfield Street (50' ROW) and Harcourt Road (50' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said centerline of Harcourt Road, a distance of 598.0 feet, more or less, to the centerline of Lyell Avenue (66' ROW); thence
- 2) Westerly, along said centerline of Lyell Avenue, a distance of 616.5 feet, more or less, to the southerly extension of the west line of lands conveyed to Rochester Colonial Manufacturing Corporation by Liber 9236 of Deeds, Page 220; thence
- 3) Northerly, along said extension and the west line of Rochester Colonial, a distance of 433.0 feet to an angle point; thence
- 4) Easterly, continuing along said lands of Rochester Colonial, a distance of 141.72 feet to an angle point; thence
- 5) Northerly, continuing along said lands of Rochester Colonial, a distance of 198.87 feet to the northwest corner thereof; thence
- 6) Easterly, along the north line of said lands of Rochester Colonial, a distance of 80.0 feet to the northeast corner thereof; thence
- 7) Southerly, continuing along said lands of Rochester Colonial, a distance of 172.0 feet, more or less, to the southwest corner of Lot 164 of the Rochester Gardens Subdivision, as filed in the Monroe County Clerk's Office in Case A-6 of Maps; thence
- 8) Easterly, along the south line of said Lot 164 & Lot 163 of the Rochester Gardens Subdivision, a distance of 270.73 to the southeast corner of said Lot 163; thence
- 9) Northerly, along the east line of Lots 163, 162 & 161 of said subdivision, a distance of 137.0 feet, more or less, to the said centerline of Mansfield Street; thence
- 10) Easterly, along said centerline, a distance of 125.0 feet, more or less, to the said centerline of Harcourt Road, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-376

November 9, 2009

(Int. No. 414)

Amending The Official Map By Abandonment Of A Portion Of  
Addison Street From Mansfield Street To Its South End

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Addison Street:

Commencing at a point on the south right-of-way of Mansfield Street, said point being the intersection of said south right-of-way of Mansfield Street with the west right-of-way of Harcourt Road, thence, westerly and along the south right-of-way of Mansfield Street a distance of 200.00 feet to its intersection with the east right-of-way of Addison Street, said point being the point and place of beginning, thence;

- 1) Southerly and along the east right-of-way of Addison Street a distance of 111.99 feet to the southeast corner of Addison Street, thence;
- 2) Westerly and along the south right-of-way of Addison Street and forming an interior angle of 89° 24' 35" a distance of 50.00 feet to the southwest corner of Addison Street, thence;
- 3) Northerly and along the west right-of-way of Addison Street and forming an interior angle of 90° 35' 25" a distance of 111.99 feet to a point, said point being the southeast corner of a portion of Mansfield Street Abandonment as per Ordinance No. 86-103, thence;
- 4) Easterly and forming an interior angle of 89° 24' 35" a distance of 50.00 feet to a point on the east right-of-way of Addison Street and the south right-of-way of Mansfield Street, said point being the point and place of beginning. Course 4 having an interior angle of 90° 35' 25" with course 1.

Containing: 5,599.20 square feet/0.129 acres.

Subject to any and all easements, covenants and restrictions that an updated abstract of title may show.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of October 19, 2009.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-377  
(Int. No. 415)

Authorizing The Sale Of Real Estate To Rochester Colonial  
Manufacturing

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Upon abandonment of the southerly portion of Addison Street as authorized at this meeting, the Council hereby approves the sale of the City-owned abandonment area to Rochester Colonial Manufacturing Corporation for the sum of \$4,200. The Council further approves the sale of the City-owned

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vacant parcels at 75, 81 and 87 Addison Street (SBL # 104.60-1-44, 104.60-1-31 & 104.60-1-32.1) to Rochester Colonial Manufacturing Corporation for the sums of \$3,025, \$2,450 and \$2,025, respectively.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Lightfoot  
November 9, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 416 - Establishing Maximum Compensation For A Professional Services Agreement For The Parking Garage Evaluation And Maintenance Program

Int. No. 417 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Running Track Railroad Bridge Pedestrian Conversion Study

Int. No. 418 - Amending Ordinance No. 2009-314 Relating To The East Henrietta Road Improvement Project

Int. No. 419 - Authorizing An Amendatory Agreement With The Monroe County Water Authority

Int. No. 420 - Authorizing An Agreement With The County Of Monroe For Green Fueling Stations

Int. No. 421 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Execution And Delivery Of An Agreement Of Cooperation With The County Of Monroe And Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of The Design Of Certain Shared Green Alternative Fueling Stations

Int. No. 422 - Authorizing An Agreement With The FBI For The Fueling Of Vehicles

Int. No. 433 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street And 354 Whitney Street

Int. No. 435 - Amending Ordinance No. 2009-156 And Authorizing Agreements For The University Avenue Improvement And ARTWalk2 Enhancement Projects And Amending The 2009-10 Budget

Respectfully submitted,  
John F. Lightfoot  
Adam C. McFadden  
Carla M. Palumbo  
Gladys Santiago  
William F. Pritchard  
PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

November 9, 2009

Ordinance No. 2009-378

Re: Annual Parking Garage Evaluation  
And Maintenance Program

Transmitted herewith for your approval is legislation establishing \$300,000 as maximum compensation for an agreement with FRA Engineering and Architecture P.C., Rochester, for engineering planning and design services for the Annual Parking Garage Evaluation and Maintenance Program. The cost of the agreement will be financed from the 2006-07 Cash Capital allocations of the Department of Environmental Services.

The eight garages included in the program are Genesee Crossroads, Mortimer, High Falls, South Avenue, Metro Center (East End), Washington Square, Sister Cities, and Court Street (Bausch & Lomb).

FRA Engineering and Architecture will perform comprehensive garage inspections to identify safety and maintenance issues, establish condition ratings, and assess work required to render all elements in good-to-excellent condition. They will develop an on-going process and procedure to conduct annual inspections to identify, prioritize, and implement routine maintenance activities. Services include program development for implementation of all necessary structural repairs and other capital improvements, as well as developing a five-year capital program for City garages. Lastly, they will provide design and construction reviews, contract preparation, resident project representation, and general consultation services during maintenance of the structures.

Proposals for these services were solicited from 18 firms. Proposals were received from 10 firms - LaBella Associates, P.C., FRA Engineering and Architecture, P.C., Stantec Consulting Services, Hunt Engineers, Architects and Land Surveyors, Ravi Engineering & Land Surveying, P.C., Clark Patterson Lee, TimHaahs, Clough Harbor Associates, Whitely Associates, and The Integrity Group. FRA Engineering and Architecture was selected by a cross-departmental team based on its qualifications, assigned personnel, and overall familiarity and expertise with the scope of the planned work.

The agreement will have an initial term of one year with a provision for four one-year renewals. Any additional costs required by the renewals would be financed from future Cash Capital allocations.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-378  
(Int. No. 416)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Parking Garage Evaluation And Maintenance  
Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and FRA Engineering and Architecture, P.C. for engineering planning and design and resident project representation services for the Parking Garage Evaluation and Maintenance Program. Said amount shall be funded from the 2006-07 Cash Capital allocation. The agreement shall extend for a term of one year, and may contain options to renew for four additional one-year terms. Compensation for renewal terms shall not exceed that set forth in the annual budgets for such purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

November 9, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-379 and  
Ordinance No. 2009-380  
Re: Agreement - Bergmann Associates,  
Rochester Running Track Railroad  
Bridge Study and Amending  
Ordinance No. 2009-314

Transmitted herewith for your approval is legislation related to agreements with Bergmann Associates, P.C. This legislation will:

1. Establish \$135,000 as maximum compensation for an agreement with Bergmann Associates, P.C. for engineering inspection, planning and design services related to the Rochester Running Track Railroad Bridge. The cost of the agreement will be financed from 2007-08 Cash Capital.
2. Amend Ordinance No. 2009-314 to correct the source of funding for an agreement with Bergmann Associates related to the East Henrietta Road Project.

Railroad Bridge The historic Rochester Running Track Railroad Bridge spans the Genesee River just north of the Smith Street Bridge, and is roughly bounded by St. Paul Street and Lake Avenue.

The consultant will evaluate the bridge to determine its structural stability and the feasibility of converting it for pedestrian use. If a conversion is feasible, the consultant will provide concept plans, color renderings, statement of findings, and cost estimates for the conversion and multi-use trail alignments for each approach to the bridge, including a connection to the El Camino Trail.

Proposals for these services were solicited from 17 firms. Seven firms responded - FRA Engineering and Architecture P.C., Stantec Consulting Services, Fisher Associates, Clark Patterson Lee, Hunt Associates, Dewberry Inc. and Bergmann Associates, P.C. Based on a staff review of qualifications, assigned personnel, and overall familiarity and expertise with the scope of planned work, Bergmann Associates is recommended.

Initial investigation and preliminary design will begin following Council authorization, with anticipated completion in June 2010. Should the bridge prove to be structurally sound, the work by the consultant will allow the City to explore funding opportunities at Federal and State levels for a potential "rails to trails" conversion.

Ordinance No. 2009-314 The ordinance established \$280,000 as maximum compensation for Bergmann Associates to provide resident project representation services for the East Henrietta Road Project. This amendment will correct the cost of the agreement as follows: \$220,000 will be funded from American Recovery and Reinvestment Act funds that were previously appropriated through Ordinance No. 2009-73; and \$60,000 will be funded through the appropriation of the bonds (water) as authorized in Ordinance No. 2009-315.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-127

Ordinance No. 2009-379  
(Int. No. 417)

November 9, 2009  
Establishing Maximum Compensation For A Professional Services  
Agreement For The Rochester Running Track Railroad Bridge  
Pedestrian Conversion Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$135,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, PC for engineering inspection, planning and design services for the Rochester Running Track Railroad Bridge Pedestrian Conversion Study. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-380  
(Int. No. 418)

Amending Ordinance No. 2009-314 Relating To The East Henrietta  
Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-314, establishing maximum compensation for an agreement for the East Henrietta Road Improvement Project, is hereby amended by changing the source of funding to \$220,000 from American Recovery and Reinvestment Act Funds appropriated in Section 12 of Ordinance No. 2009-73 and \$60,000 from Bond Ordinance No. 2009-315.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-381  
Re: Amendatory Agreement - Monroe  
County Water Authority

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Monroe County Water Authority (MCWA). This amendment will extend the term of the agreement due to expire on December 31, 2009, to December 31, 2010.

The original agreement was authorized in April 1978 for a 30-year term. The City and MCWA have been in discussions about the terms of a new agreement since May 2007. These discussions have been productive and have helped to clarify each party's system and operations. The level of detail and quantity of information has resulted in the necessity of additional time to finalize negotiations. This agreement amendment is mutually beneficial to both the City and MCWA for new agreement preparations.

Additional terms of the agreement remain as amended by Ordinance No. 2008-148. The expiration date of this agreement was last amended by Ordinance No. 2008-418 on Dec. 23, 2008.

Respectfully submitted,

November 9, 2009

Robert J. Duffy  
Mayor

Ordinance No. 2009-381  
(Int. No. 419)

Authorizing An Amendatory Agreement With The Monroe County  
Water Authority

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Monroe County Water Authority for the extension of the current agreement, as amended by Ordinance No. 2008-148, through December 31, 2010.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-382 and  
Ordinance No. 2009-383  
Re: Inter-Municipal Agreement -  
Monroe County, Green Fueling  
Stations

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County to allow for planning and design services related to four new fueling stations to be shared by the City and the County; and authorizing the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance the City's share of design services.

The City and Monroe County are collaborating on an assessment and preliminary design for multi-agency alternative fueling stations that would service municipal fleet vehicles. The total cost of these services will be \$150,000.

The new fueling facilities will be located at the Frank E. VanLare Wastewater Treatment plant, the City's Central Vehicle Maintenance Facility at Mt. Read Boulevard; and two sites will be determined that will be able to accommodate modular fueling facilities that can be relocated. Barton & Loguidice, P.C. was retained by the County to provide comprehensive site assessments to determine the required aspects for the facility construction at each location, which will formulate the basis of final design. The current scope of services allows for the consultant to assist with the assessment and planning of the new facilities, including probable construction cost estimates.

It is anticipated that County and City will proceed with final design of the project and construction of the new facilities at the VanLare and Mt. Read locations; future legislation will incorporate a revised agreement to allow for final design and construction, as well as appropriating the City's share of construction costs.

In 2008 the County was awarded a \$4.25 million Federal Transportation Improvement Program Congestion Mitigation and Air Quality (CMAQ) grant. The funds require a minimum 20% project match to be shared between the City and County.

Preliminary design is anticipated to begin in early 2010, with completion in fall 2010.

November 9, 2009

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-382  
(Int. No. 420)

Authorizing An Agreement With The County Of Monroe For Green  
Fueling Stations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for planning and design services for green alternative fueling stations to service municipal fleet vehicles.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-383  
(Int. No. 421)

Bond Ordinance Of The City Of Rochester, New York Authorizing  
The Execution And Delivery Of An Agreement Of Cooperation With  
The County Of Monroe And Issuance Of \$75,000 Bonds Of Said City  
To Finance The Cost Of The Design Of Certain Shared Green  
Alternative Fueling Stations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the design of certain shared green alternative fueling stations. Two of the stations will be at the VanLare Plant and the City's Central Vehicle Maintenance Facility, while the other two stations will be modular facilities to be placed at sites to be determined (collectively, the "Project"). The City shall undertake a cooperative effort with the County of Monroe (the "County") to design, develop and operate the Project pursuant to the terms and provisions of an Agreement of Cooperation entered into between the City and the County in accordance with Section 119-o of the New York General Municipal Law. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is approximately \$5,100,000. The City's share of the design portion of the total maximum cost, \$75,000, is hereby appropriated therefor. The plan of financing for this portion includes the issuance of \$75,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable. The County shall also contribute the sum of \$75,000 to the design portion of the total maximum cost. The Project is expected to receive a federal grant of \$4,250,000 and future contributions by the City shall be determined by a subsequent ordinance of the City.

Section 2. Bonds of the City in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local



November 9, 2009

Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.5 of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

November 9, 2009

Ordinance No. 2009-384  
Re: Agreement - Federal Bureau of  
Investigation, Fuel Dispensing

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Federal Bureau of Investigation (FBI)-Rochester Division for fueling of vehicles at the City's fueling station at 945 Mount Read Boulevard.

To provide greater convenience, the FBI has utilized the City's fueling facilities since Council authorization in May 2006 (Ord. No. 2006-115). The most recent agreement expired on September 30, 2009. Under the agreement, the City will continue to provide fuel for the FBI's vehicles upon request. The FBI will reimburse the City for the actual cost of the fuel plus an administrative charge of \$.15 per gallon.

The term of the agreement is one year with an option to extend the agreement for two additional one-year terms. Between 6,000 and 8,000 gallons were used each year under the former agreement; it is estimated that approximately 8,000 gallons of fuel will be used annually by the FBI.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-384  
(Int. No. 422)

Authorizing An Agreement With The FBI For The Fueling Of  
Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Federal Bureau of Investigation (FBI) whereby the City shall provide for the fueling of FBI vehicles at 945 Mt. Read Boulevard for a term of one year, with options to renew for two additional one-year terms. The agreement shall obligate the FBI to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-385  
Re: Agreement - Lu Engineers,  
Environmental Investigation of  
415 Orchard Street and 354 Whitney  
Street

Transmitted herewith for your approval is legislation establishing \$163,237 as maximum compensation for an agreement with Lu Engineers for environmental investigation services related to 415 Orchard Street and 354 Whitney Street. The cost of this agreement will be financed from bonds authorized by City Council in July 2006 (Ordinance No. 2006-227).

November 9, 2009

The site, two City-owned vacant parcels at 354 Whitney Street and 415 Orchard Street, has a combined area of approximately four acres in a commercial/industrial area on the south side of Lyell Avenue. Since the early 1900s, the property has been used for both commercial and industrial purposes, including tool and die shops, plastics manufacturing, printing operations, metal finishers, electric company and warehousing. From 1930 to 1967, the site was occupied by a General Motors DELCO manufacturing plant.

Both parcels have been vacant since the mid-1990s. In July 2003, a fire destroyed buildings on the Whitney Street parcel; the structures have been demolished by the City to stabilize the site and the property has been fenced off. The City acquired the Orchard and Whitney sites through tax foreclosure in August 2006 and December 2008, respectively. The low-rise structure on the Orchard Street site is scheduled for demolition in late 2009 or early 2010.

Lu Engineers will provide the following services:

- Investigation and evaluation of subsurface contamination of soils and groundwater at three locations:
  - Under the footprint of the 415 Orchard Street low-rise structure,
  - In the vicinity of the former structure on 354 Whitney Street, and
  - The underground storage tank area at the site
- Prepare a project remedial investigation work plan, and NYSDEC health and safety plans
- Prepare draft and final site investigation and remedy selection reports, including a data usability report
- Evaluate remedial alternatives consistent with potential site reuses and recommend a preferred approach
- Prepare a reuse concept plan, with involvement of the community, for use by the City and those interested in redeveloping the Site.

This agreement will have an initial term of two years with provisions for a one-year renewal if necessary. Adjustment to the specific unit prices during the third year will be permitted subject to the City's approval.

The investigation and remedy selection phase is expected to be completed in spring 2010. Upon State approvals of the investigation and cleanup approach, the City will be eligible for cleanup grant funds. Under an ongoing agreement with DEC, which has been extended through December 31, 2011, the City may receive reimbursements for up to 90% of eligible brownfield site investigation and cleanup costs; and 50% of asbestos testing and abatement costs, as well as indemnification from the State.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-385  
(Int. No. 433)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Environmental Cleanup Of  
415 Orchard Street And 354 Whitney Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

November 9, 2009

Section 1. The sum of \$163,237, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engineers for environmental investigation and remedy selection services relating to 415 Orchard Street and 354 Whitney Street. The agreement shall extend for a term of two years, with an option to renew for an additional one-year term. Unit prices may be adjusted during the renewal term with the approval of the City's designated agent. Said amount shall be funded from Bond Ordinance No. 2006-227.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-386

Re: Amending Ordinance No. 2009-156  
And the 2009-10 Budget: University  
Avenue - ARTWalk2 Project

Transmitted herewith for your approval is legislation related to the University Avenue Improvement and ARTWalk2 Enhancement Project. This legislation will:

1. Amend Ordinance No. 2009-156 to revise the source of funding for an agreement with Bergmann Associates to provide project design services. The ordinance provided for an additional \$930,000 in compensation. The chart below summarizes the original and amended funding sources:

<u>Source</u>	<u>Original Funding</u>	<u>Change</u>	<u>Revised Funding</u>
2006-07 Cash Capital	\$162,900	(\$ 47,600)	\$115,300
2007-08 Cash Capital	6,100	0	6,100
2008-09 Cash Capital	0	47,600	47,600
2007-08 Cash Capital (Water)	12,000	0	12,000
Federal (ARRA)	504,000	(43,850)	460,150
Federal (FHWA)	206,000	(206,000)	0
New York State	39,000	(39,000)	0
2009-10 Contingency	<u>N/A</u>	<u>288,850</u>	<u>288,850</u>
Total	\$930,000	\$ 0	\$930,000

2. Amend the 2009-10 Budget to transfer \$288,850 from Contingency to the Cash Capital allocation of the Department of Environmental Services to fund a portion of Project design services.

The Bergmann team began work immediately following Council authorization in May 2009 in order to ensure that final project design would be completed by March 2010, the date stipulated by the federal government for use of the ARRA funding. Subsequently, the New York State Department of Transportation (NYSDOT) notified the City that final design performed prior to the August 2009 Federal design approval would not be eligible for reimbursement. In addition, NYSDOT notified the City that the FHWA and NYS appropriations are limited to construction purposes. Changes in the traffic features required for this project revised the funding of the local shares as shown. The amendment of Ordinance No. 2009-156 revises the funding sources to reflect these changes.

The funding changes have not impacted the overall project schedule; design will be completed by early 2010, with construction expected to begin in Spring 2010.

November 9, 2009

3. Establish maximum compensation for agreements, as below, for appraisal services required for the valuation of properties to establish public easements required for the project. The cost of these agreements will be funded from the ARRA grant appropriated in Ord. No. 2009-156.

<u>Amount</u>	<u>Firm</u>	<u>Location</u>
\$9,000	Bruckner, Tillett, Rossi, Cahill and Associates	110 Linden Oaks, Rochester 14625
\$6,500	Metro Appraisal Associates	4231 W. Ridge Road, Rochester 14626

Council authorization for these agreements is requested since both firms are currently under contract with the City for other projects; these new amounts bring each firm above the \$10,000 threshold for Council approval.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-386  
(Int. No. 435)

Amending Ordinance No. 2009-156 And Authorizing Agreements  
For The University Avenue Improvement And ARTWalk2  
Enhancement Projects And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-156, relating to the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects, is hereby amended by amending the funding, in the maximum amount of \$930,000, for the agreement in Section 1 thereof for final design engineering services to read in its entirety as follows:

Of said amount, \$115,300 shall be funded from the 2006-07 Cash Capital allocation, \$6,100 shall be funded from the 2007-08 Cash Capital allocation, \$12,000 shall be funded from the 2007-08 Water Cash Capital allocation, \$47,600 shall be funded from the 2008-09 Cash Capital allocation, \$460,150 shall be funded from the appropriation made in Section 2 of Ordinance No. 2009-156 and \$288,850 shall be funded from the 2009-10 Cash Capital allocation.

Section 2. The sum of \$9,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bruckner, Tillett, Rossi, Cahill and Associates for appraisal services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects. Said amount shall be funded from the appropriation made in Section 2 of Ordinance No. 2009-156.

Section 3. The sum of \$6,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Metro Appraisal Associates for appraisal services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects. Said amount shall be funded from the appropriation made in Section 2 of Ordinance No. 2009-156.

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$288,850 from the Contingency allocation to the Cash

November 9, 2009

Capital allocation to partially fund design services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Miller  
November 9, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 423 - Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Cleanup Of 300, 304-308 And 320 Andrews Street And 25 Evans Street

Int. No. 424 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcels At 300, 304-308 And 320 Andrews Street And 25 Evans Street In The City

Int. No. 437 - Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages, As Amended

The Economic Development & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 425 - Approving The Amended Urban Renewal Plan For The Midtown Urban Renewal Project

Int. No. 426 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Zoning Regulations For The Midtown Urban Renewal Project

Respectfully submitted,

Dana K. Miller

John F. Lightfoot

Elaine M. Spaul

Gladys Santiago

William F. Pritchard

ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-387 and

Ordinance No. 2009-388

Re: Agreement - Day Environmental,  
Environmental Investigation,  
Andrews and Evans Streets

November 9, 2009

Transmitted herewith for your approval is legislation related to an environmental investigation and cleanup services for property located at 300, 304-308, and 320 Andrews Street and 25 Evans Street. This legislation will:

1. Establish \$547,350 as maximum compensation for an agreement with Day Environmental, Inc., Rochester, for environmental investigation and interim remedial cleanup services;
2. Authorize the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance a portion of the cost of the agreement and the City share of the project; and
3. Authorize appropriation of \$472,714 from anticipated reimbursements from the New York State Department of Environmental Conservation (NYSDEC) 1996 Clean Water/Clean Air Bond Act grant funds to finance the balance of the cost of the agreement.

The City-owned site is approximately 1.5 acres in size, in a commercial area on the north side of Andrews Street and adjacent to the Inner Loop. The several vacant, dilapidated buildings on the site are scheduled for demolition by the City.

This site has been used for various commercial and industrial uses since the early 1920s, including plumbing supply, electrical supply, bakery, printer, commercial bus depot and bus garage, gasoline station, chemical sales/distribution, dry cleaning equipment distributor, fuel oil contractor, and warehousing. Previous investigations identified several recognized environmental conditions of concern, including soil and groundwater contamination that exceeds standards and cleanup objectives.

The New York State Environmental Restoration Program (ERP) grant program reimburses municipalities for up to 90% of eligible brownfield site investigation and cleanup costs, and reimburses municipalities for up to 50% for eligible asbestos testing and abatement and demolition costs associated with cleanup. The ERP also provides indemnification to the City and all subsequent owners of remediated sites if the cleanup is performed in accordance with the NYSDEC Record of Decision.

In July 2009, a request for proposals for project consulting services was issued to seven firms. Proposals were received from Clough Harbour & Associates, Conestoga-Rovers & Associates, Stantec Consulting Services, Leader (teamed with O'Brien & Gere), and Day Environmental (teamed with Lu Engineers). Day Environmental is recommended based on the quality of its proposal, cost, and experience with the ERP, similar brownfield projects, and the proposed project team.

Day Environmental will complete a remedial investigation, including both on- and off-site soil and groundwater contaminations. Their services will include:

- Identification of contaminant source areas
- Preparation of plans for project investigation work, health and safety, and community air monitoring
- Preparation of draft and final site investigations and remedy selection reports
- Scope and implement interim remedial measures
- An evaluation of remedial alternatives consistent with potential reuses of the site, with a recommended preferred alternative

The cost of the agreement includes a 20% contingency to address unanticipated conditions and site restoration.

November 9, 2009

This agreement will have an initial term of one year with provisions for annual renewals for an additional two-year period. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval. It is anticipated that the project will take one to two years to complete.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-387  
(Int. No. 423)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Environmental Cleanup Of 300, 304-308 And  
320 Andrews Street And 25 Evans Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$547,350, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Day Environmental, Inc. for environmental investigation and remedial interim cleanup of the City owned parcel at 300, 304-308 and 320 Andrews Street and 25 Evans Street. The agreement shall extend for a term of one year, with an option to renew for two additional one-year terms. Unit prices may be adjusted during the renewal terms with the approval of the City's designated agent. Of said amount, \$472,714 is hereby appropriated from 1996 Clean Water/Clean Air Bond Act Grant Funds and \$74,636 shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-388  
(Int. No. 424)

Bond Ordinance Of The City Of Rochester, New York Authorizing  
The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost  
Of Environmental Clean-Up Of The City-Owned Parcels At 300,  
304-308 And 320 Andrews Street And 25 Evans Street In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental investigation and remedial interim clean-up of hazardous substances at the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$547,714. The plan of financing includes the issuance of \$75,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$472,714 appropriated from 1996 Clean Water Clean Air Bond Act Grant Funds and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.



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Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-389  
Re: Holiday Shopper and Special Event  
Free Parking at Municipal Parking

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## Garages

Transmitted herewith for your approval is legislation authorizing the Parking Director to establish a Special Event Free Parking Program in five Municipal Parking Garages for the Liberty Pole Lighting Ceremony, December 5, 2009 and for New Year's Eve, December 31, 2009.

The program authorizes free parking in the following municipal parking garages on the two evenings above, after 6:00 p.m.

High Falls  
South Avenue

Washington Square  
Court Street

Sister Cities

The East End Garage, which is operated by the Cultural Center Commission, offers free evening and weekend parking on a year-round basis. The Genesee Crossroads Garage is excluded from the program as a renovation project will be underway at the time of the events and spaces will be restricted.

The cost of this program is estimated at \$8,000 in lost revenue. Approval of this legislation will enable visitors to find free parking at five downtown parking garages for these community events.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-389  
(Int. No. 437, As Amended)

### Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the rates for parking in municipal parking garages as established in Section 111-119 of the Municipal Code, the Parking Director is hereby authorized to establish a Holiday Shopper and Special Events Free Parking Program in the Court Street, High Falls, Washington Square, Sister Cities and South Avenue Parking Garages. The free parking may be allowed on the [weekday] evenings of December 5 and 31, 2009, after 6:00 P.M. [and all day on Saturday and Sunday, from November 27, 2009 through January 1, 2010].

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-390 and  
Ordinance No. 2009-391  
Re: Adopting the Amended Midtown  
Urban Renewal District Plan

Transmitted herewith for your approval is legislation adopting the amended Midtown Urban Renewal Plan and amending the Zoning Text to reflect the amended plan.

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The Midtown Urban Renewal Plan was adopted on March 27, 2007, per Ordinance No. 2007-92. In 2008, the City undertook an extensive planning process relating to the redevelopment of the Midtown Urban Renewal District. The amended Midtown Urban Renewal Plan includes the creation of a new street grid, creation of 6-7 development parcels, retention of the former Midtown Parking Garage, potential retention of the Midtown Tower, creation of open space, and additional design requirements.

The Planning Commission held an informational meeting on March 16, 2009 and recommended approval by a vote of 4 to 0. On October 19, 2009, the Planning Commission will be considering recertification of the March 16, 2009 recommendation. Information pertaining to the October 19, 2009 Planning Commission Meeting is attached.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, a Generic Environmental Impact Statement process was completed on March 3, 2009. City Council adopted a findings statement for the Midtown Redevelopment Project on March 18, 2009 per Ordinance 2009-56. The findings statement is on file with the City Clerk.

Public hearings on the adoption of the amended plan and on the Zoning Text amendment are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-128

Ordinance No. 2009-390  
(Int. No. 425)

Approving The Amended Urban Renewal Plan For The Midtown  
Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following Amended Urban Renewal Plan for the Midtown Urban Renewal Project:

AMENDED MIDTOWN  
URBAN RENEWAL PLAN

I. DESCRIPTION OF PROJECT

A. LOCATION BOUNDARY

The Midtown Urban Renewal Project is centrally located in downtown Rochester, New York. The district is bounded by East Main Street to the north, Clinton Avenue to the west, Broad Street to the south, and Chestnut and Euclid Streets to the east. Exhibit A includes the project District Boundary Map.

B. LEGAL DESCRIPTION

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW), thence

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- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence
- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence
- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

#### C. BACKGROUND

The project area is a 12.96 acre site and contains 16 parcels. Approximately 8 acres of the project area is occupied by Midtown Plaza: a 1.4 million square foot mixed-use, office and retail complex. The project area also includes a number of smaller underutilized and vacant buildings, primarily fronting on Chestnut Street. Midtown Plaza was constructed in 1962 as an enclosed shopping mall which was a destination for most city and county residents for years. The Plaza was anchored by two department stores, McCurdy's and B. Forman, and Wegmans Food Market. The complex also included a 17-story office building and a 1,800-car underground parking garage. The decline of Midtown Plaza began during the rise of suburban shopping malls in the Rochester region. By the mid 1990's, the Midtown retail anchors had closed, leaving a significant amount of vacant space.

The Midtown Urban Renewal District was adopted through Ordinance No. 2007-92 on March 27, 2007. At the time, Midtown was 60% vacant. This vacancy rate increased to over 86% in spring 2007 when the last major office tenant relocated to another property. The principal Plaza properties were subsequently acquired by the City in early 2008. At about that time, the telecommunications company PAETEC Holding Corp. (PAETEC) expressed an interest in constructing a new corporate headquarters and operations center at the site. Empire State Development Corp. ("ESDC") agreed to partner with the City to complete abatement and remediation of asbestos and other recognized environmental conditions within the Plaza properties to accommodate private development including a potential site for PAETEC's proposed headquarters. A consultant team was hired to develop a marketing strategy and plan for the redevelopment of the entire Urban Renewal Area.

The land use plan that resulted from the extensive planning process is conceptually depicted in Exhibit B. It consists of new streets, open space, utilities, and suggested land uses that will reconnect the site to the Center City and neighboring areas such as the East End.

#### II. URBAN RENEWAL OBJECTIVES

The following are key objectives for the Midtown Urban Renewal District:

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- A. To eliminate substandard and deteriorated structures and other blighting influences in the project area;
- B. To promote economic development in and around the project area;
- C. To acquire underutilized and vacant properties in the project area for economic development purposes;
- D. To sell city and agency acquired properties for private development;
- E. To generate additional jobs and municipal tax base within the project area; and
- F. To promote uses of underutilized land and buildings within the urban renewal area consistent with the Center City Master Plan, City Zoning Code, and the Urban Renewal Plan.

### III. URBAN RENEWAL ACTIONS:

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners;
- B. Provide relocation assistance, when necessary, in accordance with applicable relocation guidelines;
- C. Undertake asbestos removal;
- D. Demolish and remove substandard and deteriorated structures in the project area that are not economically feasible to renovate;
- E. Develop a street grid and open space system that breaks down the block, improves public access, and reconnects the site to neighboring areas. (See Exhibit C)
- F. Dispose of project area development opportunities by sale to qualified developers for renovation or redevelopment.

### IV. LAND USE PLAN

#### A. PURPOSE:

The Midtown Urban Renewal District is integral to the revitalization of the core Center City of Rochester. Implementation of the plan, guided by the Redevelopment Guidelines (see Exhibit D) and City Zoning Code, will emphasize and strengthen downtown as the region's center for business, entertainment, cultural assets and urban living.

The following Comprehensive Plan campaign goals are supported by this plan:

#### CAMPAIGN SIX - ECONOMIC VITALITY

Goals:

- (B) Develop a business and financial environment that encourages business and individuals to build on our rich entrepreneurial spirit.
- (C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high-quality goods and personal services to our

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citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.

- (G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

#### CAMPAIGN EIGHT - TOURISM DESTINATION

Goals:

- (B) Encourage and help create appropriate private, market-driven investments in the local tourism industry that result in additional revenue for businesses and the creation of new jobs for local residents.
- (F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and preservation.
- (G) Capitalize on our many recreational, historic, civic and business assets as well as our high quality of life to expand recognition of Rochester as a highly desirable tourism destination and attractive place to live.

#### CAMPAIGN TEN - CENTER CITY

Goals:

- (A) Reduce the office and commercial (retail) vacancy rate within our "Center City" through appropriate actions that include attraction of new tenants as well as the removal or conversion of unneeded space.
- (B) Develop unique festivals, events, celebrations and venues within our "Center City" that help create and enhance its identity, draw businesses, residents and visitors and provide a strong "sense of place" and identity for our community.
- (C) Encourage the development of an economically viable "Center City" that functions as the region's 24-hour activity center and is a safe and attractive environment for the cultural, nightlife, business, arts and entertainment center of our region.
- (D) Increase the number of people living in our "Center City" through affordable as well as market-rate housing development.
- (E) Create a strong, competitive and marketable identity for our "Center City" that is locally, regionally and nationally recognized.
- (H) Create a strong visual and aesthetic image for our "Center City" through articulated urban design and unique and inspiring architectural form.

#### B. LAND USE REGULATIONS

1. Development within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. All of the requirements of the CCD contained in the Rochester Zoning Code shall apply, except proposed demolition is not subject to the requirements of Section 120-65B.
2. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

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- a. Warehousing and distribution, unless accessory to the principal use of the property;
- b. Rooming houses;
- c. Recycling Centers; and
- d. Vehicle repair.

3. Development shall be guided by the design principles outlined in Exhibit D.

V. ACQUISITION AND DISPOSITION PLAN (see Exhibit E for Land Acquisition Map and Exhibit F for Land Disposition Map)

A. ACQUISITION PARCELS

233-247, 249-253, and 255-257 E. Main Street.

B. DISPOSITION PARCELS

The City or Agency may sell the following properties without public auction or sealed bid to a qualified and eligible sponsor pursuant to Article 15, N.Y.S. Urban Renewal Law, S 507 2(c). Properties may be sold individually or collectively to a private developer or developers for uses consistent with the CCD Zoning District and the Urban Renewal Plan.

1. Midtown Parcels, including 18-26, 32-58, 80 S. Clinton Avenue and 285 E. Main Street.
2. 88-94 Elm Street.
3. 233-247, 249-253, and 255-257 E. Main Street.

VI. URBAN RENEWAL PROCEDURES AND PROPOSALS

REVIEW OF SITE AND DEVELOPMENT PLANS:

Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Rochester Urban Renewal Agency for review and comment with respect to the conformance of such plans with the Urban Renewal Plan and its objectives.

VII. TERM OF URBAN RENEWAL PLAN

This Urban Renewal Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VIII. OBLIGATION OF DEVELOPERS

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchaser(s) or lessee(s) and their successor(s) or assign(s) shall be obligated by the terms of the contract to devote such land to uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

IX. URBAN RENEWAL PLAN AMENDMENT

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This Urban Renewal Plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

X. RELATIONSHIP TO THE ROCHESTER ZONING CODE

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code of the City of Rochester shall be amended to include Section IV of the plan.

XI. SPECIAL PROVISIONS

ANTI-DISCRIMINATION:

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis of race, color, creed or national origin.

XII. APPENDICES

EXHIBIT A.	District Boundary Map
EXHIBIT B.	Concept Land Use Map
EXHIBIT C.	Proposed Street Grid
EXHIBIT D.	Redevelopment Guidelines
EXHIBIT E.	Land Acquisition Map
EXHIBIT F.	Land Disposition Map

Section 2. The Council finds that:

- a. The Midtown Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Amended Midtown Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Amended Urban Renewal Plan for the Midtown Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-391  
(Int. No. 426)

Amending Chapter 120 Of The Municipal Code, Zoning Code, With  
Respect To Zoning Regulations For The Midtown Urban Renewal  
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by amending Subsection O thereof to read in its entirety as follows:

- O. Midtown Urban Renewal District.



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(1) Land Use Regulations.

- (a) Development within the Midtown Urban Renewal District will be regulated by the Center City District (CCD) Zoning. All of the requirements of the CCD contained in the Rochester Zoning Code shall apply, except proposed demolition is not subject to the requirements of Section 120-65B.
- (b) The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:
  - [1] Warehousing and distribution, unless accessory to the principal use of the property;
  - [2] Rooming houses;
  - [3] Recycling Centers; and
  - [4] Vehicle repair.
- (c) Development shall be guided by the design principles outlined in Exhibit D of the Amended Midtown Urban Renewal Plan.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember McFadden  
November 9, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 427 - Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 Budget

Int. No. 428 - Authorizing An Agreement For A Domestic Abuse Response Team Grant And Amending The 2009-10 Budget

Int. No. 429 - Establishing Maximum Compensation For A Professional Services Agreement For A Youth Violence Dispute And Gang Mapping System

Int. No. 430 - Authorizing An Agreement For Special Events Services For The School District And Amending The 2009-10 Budget

Int. No. 431 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Horticultural Services

Int. No. 432 - Authorizing An Agreement And Amending The 2009-10 Budget For A Credit Education Bureau Grant

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Int. No. 436 - Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services

Respectfully submitted,  
Adam C. McFadden  
Dana K. Miller  
Elaine M. Spaul  
Gladys Santiago  
William F. Pritchard  
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2009-392  
New York State Office of Homeland  
Security - Bomb Squad Initiative  
Grant

Transmitted herewith for your approval is legislation authorizing an application and agreement with NYS Office of Homeland Security (OHS) for the receipt and use of a \$110,000 Bomb Squad Initiative Program grant, and amending the 2009-10 Police Department Budget by \$10,000 and the 2009-10 Cash Capital allocation by \$100,000 to reflect the award.

The program provides direct funding to local government bomb squads to upgrade their equipment and improve their preparedness for homeland security issues. This award will be directed for the purchase of a new bomb squad vehicle and training. This is a new initiative, although similar funding has been provided in the past through the Law Enforcement Terrorism Prevention Program.

This grant covers the period September 1, 2008 through August 31, 2011.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-392  
(Int. No. 427)

Authorizing An Agreement For A Bomb Squad Initiative Grant And  
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for a Bomb Squad Initiative Program Grant for the period from September 1, 2008 through August 31, 2011.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$10,000 and to the Cash Capital allocation by the sum of \$100,000, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

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Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-393

Re: Agreement, County of Monroe,  
Domestic Abuse Response Team  
Grant and Budget Amendment

Transmitted herewith for your approval is legislation authorizing an agreement with the County of Monroe for the receipt and use of a grant in an amount of up to \$114,000 for support of a domestic abuse response team; and amending the 2009-10 Budget of the Police Department by \$29,000 and Undistributed by \$3,300 to reflect a portion of the additional revenue and expenses associated with the program. The remaining funds will be appropriated in the 2010-11 Budget.

The County recently received a \$750,000 grant through the U.S. Department of Justice, Office on Violence Against Women under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (GTEA). The program enhances victim safety and offender accountability in cases of domestic violence, dating violence, sexual assault and stalking, by encouraging jurisdictions to implement pro-arrest policies as an effective intervention that is part of a coordinated community response.

The application was submitted by the Rochester/Monroe County Domestic Violence Consortium, whose partners include the Monroe County Probation Department, the Monroe County District Attorney's Office, Alternatives for Battered Women, the Legal Aid Society of Rochester, NY, Inc., and the Rochester Police Department. Under this agreement, the County will provide a subaward of \$114,000 to the RPD to support a Domestic Abuse Response Team that will include Police overtime, a part-time counseling position, and training expenses.

The term of the grant is September 23, 2009 through September 22, 2011. This is a new grant program and no match is required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-393  
(Int. No. 428)

Authorizing An Agreement For A Domestic Abuse Response Team  
Grant And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for a Domestic Abuse Response Team in the Police Department for two years.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$29,000 and to Undistributed Expense by the sum of \$3,300, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

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Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-394  
Re: Agreement - Rochester Institute  
Of Technology, Pathways To Peace  
Training

Transmitted herewith for your approval is legislation establishing \$6,000 as maximum compensation for an agreement with the Rochester Institute of Technology Department of Criminal Justice to provide software implementation and training services. The cost of the agreement will be funded from 2007-08 Cash Capital. These funds are part of a previously appropriated Edward Byrne Grant.

RIT will provide an analyst who will implement the ARC Explorer software and train Pathways to Peace staff in its use. This software is a system for mapping incidents of youth violence and gang activity.

The data will be used for monitoring on-going disputes that have previous or high potential for violence. This technology will increase Pathways to Peace's ability to target street outreach efforts and offer intervention and prevention alternatives in potentially violent altercations.

This agreement does not meet the threshold requiring Council authorization; however, there are other current agreements with RIT that exceed the \$10,000 threshold.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-394  
(Int. No. 429)

Establishing Maximum Compensation For A Professional Services  
Agreement For A Youth Violence Dispute And Gang Mapping  
System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for services for the Youth Violence Dispute and Gang Mapping System. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

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Ordinance No. 2009-395  
Re: Agreement - Rochester City School  
District, Traffic and Crowd Control  
Services

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the reimbursement of the cost of traffic and crowd control services provided by the City, and amending the 2009-10 Budget of the Police Department by \$30,000 to reflect the revenue and expenditure of these funds.

The School District has requested assignment of City Police Officers on a reimbursable overtime basis for traffic and crowd control at events sponsored in part or in full by the School District, including football games, basketball games, and graduation ceremonies. The agreement will provide for reimbursement by the School District of the cost of these services, at the applicable current regular rates, up to a maximum of \$30,000, during fiscal year 2009-10.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-395  
(Int. No. 430)

Authorizing An Agreement For Special Events Services For The  
School District And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District whereby the District shall reimburse the City for traffic and crowd control services provided at District events.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$30,000, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-396  
Re: Amendatory Agreement -  
Michael Warren Thomas,  
Horticultural/Environmental  
Education

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Michael Warren Thomas, 19 Trafalgar Street, Rochester, 14619 for continued horticultural and environmental

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education services. This amendment will increase maximum compensation by \$6,000 for a total of \$12,000, and extend the term from December 31, 2009 to February 28, 2010. The additional cost will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Since September 14, 2009, Mr. Thomas has been providing technical and logistical expertise in horticultural and environmental education and programming as well as assisting with the Flower City Looking Good Program. He also provides technical assistance to the City and neighborhood groups on design and maintenance of gardens and other landscape projects.

The City position of Horticultural Technician is currently vacant and is in the process of being redesigned to better fit current needs. During this process, Mr. Thomas is providing much needed expertise.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-396  
(Int. No. 431)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Horticultural Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Michael Warren Thomas for horticultural services. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-397  
Re: Budget Amendment - The Credit  
Education Bureau Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Credit Education Bureau for receipt and use of a grant for \$5,000, and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

The funds will be used to support the research and writing of grants that might contribute to sustaining Biz Kid\$ programs.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-397  
(Int. No. 432)

Authorizing An Agreement And Amending The 2009-10 Budget For  
A Credit Education Bureau Grant

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BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Credit Education Bureau for funding for research grant writing for the Biz Kid\$ & Beyond and Biz Kid\$ Real Programs.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the research grant writing.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-398  
Re: Agreement - Sam Asher Computing  
Services, Hyper-Reach Notification  
System

Transmitted herewith for your approval is legislation establishing \$28,000 as maximum compensation for an agreement with Sam Asher Computing Services, Inc., for access to the consultant's outbound telephone notification system called Hyper-Reach. The consultant has provided services to the Police Department since November 2005. Funding for the agreement is available in the 2009-10 Budget of the Police Department and includes \$20,000 from the IMPACT VI grant previously appropriated by City Council under ordinance #2009-328.

The Hyper-Reach system enables the user to instantly send pre-recorded messages to a pre-determined list of clients. The message can be modified and efficiently delivered to a large number of recipients in a short time span. The Police Department currently uses the system to contact potential Police Officer recruits at various stages of the application and approval process. During 2009-10, the system also will be used for emergency notification in police emergency situations. Authorized users will be able to call up a Google map and trace the exact geographic area that needs to be notified. Messages can be sent via voice or text.

Similar services are provided by the consultant to the Emergency Communications Department under a separate agreement (Ordinance No. 2007-473).

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-398  
(Int. No. 436)

Establishing Maximum Compensation For A Professional Services  
Agreement For Telephone Notification System Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$28,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Sam Asher

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Computing Services, Inc. for telephone notification system services for the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 388 from committee.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Transmittal letter appears on page \_\_\_\_\_ of the current council proceedings.

Councilmember McFadden moved to amend Int. No. 388.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Attachment No. AI-129

Ordinance No. 2009-399  
(Int. No. 388, As Amended)

Authorizing Agreements For The Hillside Work Scholarship  
Connection Program And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for reimbursement in the amount of \$[600,000] 1,200,000 for the Hillside Work Scholarship Connection Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Hillside Children's Center for the Hillside Work Scholarship Connection Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$[1,000,000] 1,200,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.



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Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$600,000, which amount is hereby appropriated from funds to be received from the City School District pursuant to the agreement authorized in Section 1.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:30 p.m.

DANIEL B. KARIN  
City Clerk